

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PHYLLIS M. KNIGHT,

Plaintiff,

vs.

LACHELLE A. PHILLIPS, and
ARTHUR PHILLIPS,

Defendants.

8:21CV408

MEMORANDUM AND ORDER

On November 22, 2021, Plaintiff filed an unsigned Amended Complaint (Filing 8), in contravention of federal pleading requirements. *See* Fed. R. Civ. P. 11(a) (“Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name—or by a party personally if the party is unrepresented.... The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney’s or party’s attention.”). On January 13, 2022, the clerk of the court sent a deficiency notice to the address provided by Plaintiff in the Amended Complaint, and directed Plaintiff to correct the deficiency (i.e., lack of signature) within 15 days, or the pleading would be stricken from the court file.

On January 30, 2022, Plaintiff faxed to the court what appear to be two identical signature pages from her Amended Complaint containing her signature. Pursuant to the court’s local rules, a faxed document normally is not considered “filed.” *See* NECivR 5.1(c) (“A document is not filed under the Federal Rules of Civil Procedure until the filing party receives a System generated NEF after uploading the document to the System. **A document faxed or e-mailed to the clerk or assigned judge is not considered filed without a court order.**” (emphasis added)). However, upon consideration,

IT IS ORDERED that:

1. The clerk's office is directed to accept the two faxes received from Plaintiff on January 30, 2022 and file the documents as attachments to the Amended Complaint (filing 8). The clerk's office is further directed to terminate the signature deficiency deadline associated with the Amended Complaint.

2. Plaintiff is advised that NO FURTHER DOCUMENTS FAXED TO THE COURT WILL BE ACCEPTED FOR FILING.

Dated this 31st day of January, 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge